REMARKS

Claims 1-4, 6-9 and 11 are pending in the above-identified application. Claims 1 and 6 are amended and claims 5 and 10 are canceled.

Claims 1-11 were rejected under 35 U.S.C. 103(a) as being unpatentable over ***Kanno*** (U.S. Patent 6,213,820) in view of ***Gregory*** (U.S. Patent 5,809,436). Claims 1 and 6 have been amended to incorporate the limitations of claims 5 and 10 respectively. It is believed that the list of claims on page 2 distinguishes over the cited art for at least the following reasons.

Claim 1 is amended so as to set forth, among other things, that a system for controlling a speed of an internal combustion engine installed in an outboard motor mounted on a boat comprises an actuator driving means for driving the actuator to move the throttle valve in the closing direction such that the engine speed drops, when it is discriminated that the detected engine speed exceeds the predetermined speed, wherein the actuator driving means drives the actuator to move the throttle valve in the closing direction by an amount repeatedly such that the engine speed drops gradually.

An object of Applicant's invention is to provide an engine speed control system that lowers the engine speed without causing the engine to vibrate when a trouble has occurred in the engine. To accomplish this objective, Applicant's invention claims an actuator driving means for driving the actuator to move the throttle valve in the closing direction such that the engine speed drops, when it is discriminated that the detected engine speed exceeds the predetermined speed

[claim 1.] By closing the throttle valve 70V *little by little*, the engine 16 does not vibrate and the operator is prevented from experiencing unpleasant feelings [page 9, lines 18-20.]

The Examiner admits that *Kanno* "does not disclose actuator driving means for driving the actuator to move the throttle in the closing direction such that the engine speed drops, when it is discriminated that the detected engine speed exceeds the predetermined speed." [Office Action, page 4.] The Examiner relies on *Gregory* to teach or suggest these features. The Examiner states that *Gregory* discloses an actuator driving means 18 for driving the actuator 28 to move the throttle valve in the closing direction such that the engine speed drops when it is sensed that the sensor 12 is about to leave the water. However, the Examiner does not specifically cite to a disclosure in the *Gregory* reference that discloses or teaches this function.

The *Gregory* reference does not disclose an actuator driving means that drives the actuator to move a throttle valve in the closing direction by an amount repeatedly such that the engine speed drops gradually.

The *Kanno* reference does not disclose an engine speed discriminating means as recited in claim 1. In *Kanno*, as shown in Fig. 7 and in Fig 8 (symbol S5), a comparator 262 discriminates whether a detected lubricant pressure Px is less than a predetermined speed, i.e., a determined alarm pressure threshold Ptx calculated by an alarm pressure threshold calculator 256, and as shown in S6 in Fig. 8, when it is discriminated that the detected lubricant pressure Px is less than the determined alarm pressure threshold Ptx, a disable 270 is conducted. However, *Kanno* does not disclose that engine speed discriminating means for discriminating whether a detected engine

speed exceeds a predetermined speed when the disable 270 is conducted. The detected engine speed by crank angle position sensors 228 is merely used to determine the determined alarm pressure threshold Ptx as shown in Fig. 6.

Applicant amends claim 6 so as to set forth, among other things, that a method for controlling a speed of an internal combustion engine installed in an outboard motor mounted on a boat comprises the steps of detecting the speed of the engine, detecting a trouble occurred in the engine, discriminating whether the detected engine speed exceeds a predetermined speed when it is detected that the trouble has occurred in the engine, and driving the actuator to move the throttle valve in the closing direction such that the engine speed drops, when it is discriminated that the detected engine speed exceeds the predetermined speed. Method claim 6 distinguishes from the cited art for the reasons explained above with respect to apparatus claim 1.

Applicant respectfully traverses the Examiner's rejection of Claim 11. The Examiner has specifically cited to a disclosure in the *Kanno* reference that discloses a computer program comprising the steps of "driving the actuator to move the throttle valve in the closing direction such that the engine speed drops, when it is discriminated that the detected engine speed exceeds the predetermined speed" [Office Action, page 3.] However, the *Kanno* disclosure fails to teach this step. Rather, the *Kanno* disclosure teaches steps for triggering an alarm system; not driving the actuator to move the throttle valve in the closing direction. In view of this, Applicant submits that claim 11 is in condition for allowance.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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